

LW2601: HONG KONG LEGAL SYSTEM

Effective Term

Semester A 2023/24

Part I Course Overview

Course Title

Hong Kong Legal System

Subject Code

LW - Law

Course Number

2601

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW5601 Hong Kong Legal System

Exclusive Courses

Nil

Part II Course Details

Abstract

- To encourage students to discover the functions of law in society, and its relationship between morality and justice;
- To guide students to developing a sound understanding and appreciation of the concept of the rule of law and its relevance in the context of Hong Kong;
- To familiarise students with the sources, classification and operation of Hong Kong law and other features of the legal system in Hong Kong;
- To introduce students to the legal and constitutional framework in which law is practised and administered in Hong Kong;
- To introduce students to basic features of civil and criminal justice as well as how institutions and procedures were developed to further civil and criminal justice, how the notion of access of justice remains key to evaluating the effectiveness of the civil and criminal justice system and thus how legal aid play a crucial role; and
- To encourage students to think critically about Hong Kong law and institutions and to communicate their views and their analysis effectively both orally and in writing.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
1	Demonstrate a sound knowledge and conceptual understanding of the legal system, including civil and criminal justice, as well as issues relating to the access to justice and the civil justice reform.		x	x	
2	Demonstrate the skills of legal reasoning and possess an understanding of the doctrine of precedent, the approaches to statutory interpretation and the sources of law in Hong Kong.		x	x	
3	Critically analyse the concept and functions of law, including the relationship between morality, justice and the law as well as the role of law in society.		x	x	x
4	Critically evaluate the branches of the executive, legislature and the judiciary in the context of the separation of powers and their roles in policy and law making.		x	x	
5	Critically evaluate the judicial system and the legal profession, as well as their roles in upholding the rule of law in Hong Kong.		x	x	

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Teaching and Learning Activities (TLAs)

TLAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lecture	Students will be introduced to the structure of the Hong Kong legal system through the lecturer as well as discussions during the lecture.	1, 2, 3, 4, 5	2
2	Lecture	Students will be taught to locate and understand legal materials.	1, 2, 3, 4, 5	
3	Lecture	Students will read the course manual/course notes and other assigned readings for lectures.	1, 2, 3, 4, 5	
4	Lecture	Students will be introduced to current affairs that has implications on the development of Hong Kong's legal system and be invited to appreciate the contents of this course through these events.	1, 2, 3, 4, 5	
5	Tutorial	Students will prepare answers for their tutorial questions. This may be done in presentations or group discussion.	1, 2, 3, 4, 5	1
6	Tutorial	Through the comments and interactive feedback from tutors, students will be invited to think critically about the tutorial questions and encouraged to develop an in-depth understanding of the issues presented/ questions asked.	1, 2, 3, 4, 5	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Group Assignment: Students are given two months to attempt an assignment question. Students will be encouraged to conduct innovative research for the assignment.	1, 2, 3, 4, 5	30	

2	Presentations: Students are expected to give presentations in tutorials. During tutorials, students will be encouraged to participate in the discussion by expressing their views on the issues on the syllabus and also on how innovation can take place in the Hong Kong legal system. These presentations aim to boost students' confidence and maturity.	1, 2, 3, 4, 5	30	
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Continuous Assessment (%)

60

Examination (%)

40

Examination Duration (Hours)

2

Additional Information for ATs

The use of Generative AI tools is not allowed.

The following criteria, among others, will be considered in assessing tutorial performance and lecture participation:

- Effort and presentation skills
- Expression of ideas
- Contribution to presentation and discussion

The following criteria, among others, will be considered in assessing assignments:

- Punctuality
- Accurate addressing/identification of the legal issues
- Level of research
- Logical analysis and clear expression
- Citation style and presentation

To pass this course

- Students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment.
- Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.
- To enable the full benefit to be obtained from this course, students should attend all of the activities.

Groupwork Assignment

- Together with three other students, you are required to write an essay (four students in one group). The topic for the essay will be given to you in week 2 or 3. Students are expected to discuss the topic among themselves so as to identify and address any supporting AND opposing arguments.
- Please submit your essay onto Canvas before the submission deadline. Late submissions may attract a penalty. There is a maximum word limit of 3200 words.

Assessment Rubrics (AR)

Assessment Task

Presentations and participation in tutorial sessions

Criterion

- Demonstration of oral presentation skills and willingness / ability to answer questions in class.
- The presentations aim to boost students' confidence and maturity.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Assignment

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to write and communicate ideas and arguments in a logical manner.
- Ability to engage in argument-based analysis.
- Demonstration of ability to research.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to engage in argument-based analysis in a clear and logical manner.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

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Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

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Part III Other Information

Keyword Syllabus

law, law and society, law and morality, justice, discretion, legal history, sources of law, common law and equity, the rule of law, separation of powers, legal systems, constitutions and constitutional law, government, policies and policy-making, the law making process, the executive and the legislature, the judiciary and the judicial method, doctrine of precedent, statutory interpretation, judicial review, courts and tribunals, legal profession, fundamental rights and freedoms, civil and criminal justice, civil justice reforms, access to justice and legal aid, police powers

Detailed Syllabus

- The law and the rule of law
- Introduction to common law
- Comparing different legal systems
- The development of the Hong Kong legal system, 1842-1997
- Sources of law
- The court system and the doctrine of precedent
- The process of legislation
- Statutory interpretation
- Introduction to criminal justice in Hong Kong

- Introduction to civil justice in Hong Kong
- Review section

(*Week 9 will be reading week, where there will be no lecture or tutorials. The submission deadline for the essay assignment will be the end of Week 9)

Reading List

Compulsory Readings

Title	
1	S Lo, K Cheng and WH Chui, <i>The Hong Kong Legal System</i> (2nd edition) (Cambridge University Press 2019)

Additional Readings

Title	
1	M J Fisher, <i>Text, Cases and Commentary on the Hong Kong Legal System</i> (HKU Press 2019)
2	E Ip, <i>Law and Justice in Hong Kong</i> (3rd edition) (Sweet & Maxwell 2019)